



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
P.O. BOX 4970
JACKSONVILLE, FLORIDA 32207

February 18, 2020

Regulatory Division
West Branch
Mining Team

PUBLIC NOTICE

Permit Application No. SAJ-1995-03029 (MOD-EMH)

TO WHOM IT MAY CONCERN: The Jacksonville District of the U.S. Army Corps of Engineers (Corps) has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. §1344):

APPLICANT: E.R. Jahna Industries, Inc.
P.O. Drawer 840
Lake Wales, FL 33859

WATERWAY AND LOCATION: The project would affect waters of the United States associated with the Green Swamp within the Withlacoochee Subbasin (HUC 03100208). The project site is located at 8455 County Road 474, Clermont, FL 34714.

Directions to the site are as follows: The mine entrance is located in southern Lake County, Florida on the north side of County Road 474 approximately 6.9 miles west of the intersection with U.S. Highway 27, and 1.6 miles east of the intersection with State Road 33.

APPROXIMATE CENTRAL COORDINATES: Latitude 28.401542°
Longitude -81.809805°

PROJECT PURPOSE:

Basic: Mining sand.

Overall: To expand an existing mine and provide silica sand of commercial grade quality for the construction industry of central Florida.

EXISTING CONDITIONS: The project is an expansion of the Jahna sand mine known as the 474 Independent Mine. The project consists primarily of improved and unimproved pastures which are surrounded by an active mine pit to the east, additional pastureland to the south, and forested and scrub wetlands to the west. A recreational operation which offers off-road vehicle tours, other outdoor sporting opportunities, and private events at a reclaimed sand mine is found off-site to the north. Improved pastures comprise 26.24 acres (29.45 percent), unimproved pastures comprise 8.72 acres (9.79 percent) and wetlands comprise 62.86 acres (70.55 percent). The

freshwater wetlands are comprised of 0.12 acres (0.14 percent) man-made ditches, 0.69 acres (0.78 percent) freshwater marsh, 3.03 acres cypress (3.4 percent), 7.4 acres (8.3 percent) wet prairie, 14.63 acre (16.42 percent) scrub wetland, and 28.27 acres (31.72 percent) mixed forested.

The permit history begins with the original permit, dated December 18, 1995, which authorized impacts within the North Sand Mine to 10.3 acres of waters of the United States (WOTUS). The permit required 22.3 acres of wetlands to be created for compensatory mitigation. Modification 1, dated March 6, 2006, released the compensatory mitigation required in the original permit (22.3 acres).

Modification 2, dated December 6, 2005, expanded the project boundaries to include the 474 Independent Sand Mine, which abuts to the south. The second modification authorized impacts to 62.21 acres of WOTUS and required the creation and/or enhancement of 198.18 acres of wetlands as compensatory mitigation.

Modification 3, dated June 11, 2011, incorporated the Allen Tract, which abuts the 474 Independent Sand Mine to the south. This modification authorized impacts to 0.78 acres of WOTUS and required 1 acre of offsite wetland creation as compensatory mitigation.

All of the mitigation wetlands were placed in conservation easements with the exception of the 1 acre offsite mitigation which is located adjacent to the Withlacoochee Wetland mitigation bank. Following a site inspection conducted in January 2019, the compensatory mitigation wetlands required by three modifications were released from further monitoring and reporting.

PROPOSED WORK: The applicant seeks authorization for the discharge of fill material in order to expand the mine 89.10 acres northeast of the 474 Independent Sand Mine and south of the North Sand Mine. The applicant proposes to mine 43.81 acres, with direct impacts to 11.16 acres of aquatic resources, including 0.55 acres of forested wetlands, 0.69 acres of herbaceous wetlands, 5.35 acres of wetland prairies, 0.29 acre of wetland shrub, and 0.12 acre of ditches. This results in 8.41 acres of new wetland impacts and 2.75 acres of wetlands that were previously impacted under Modification 2. The applicant states that the project will also result in indirect impacts to 14.39 acres of wetlands, including 2.38 acres of forested wetlands, 9.91 acres wetland shrub, and 0.08 acre of wetland prairies.

AVOIDANCE AND MINIMIZATION INFORMATION - The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: The wetlands that are proposed for impact have been affected by previously permitted mining and by agricultural activities.

COMPENSATORY MITIGATION - The applicant has offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: The applicant states that the proposed direct impacts will result in a loss of

6.25 wetland functional units (using UMAM) and the indirect impacts will result in a loss of 1.44 wetland functional units; the total loss of wetland functional units is 7.69. To offset this loss the applicant proposes permittee-responsible onsite mitigation, specifically the applicant proposes 27.71 acres of permittee-responsible mitigation within the boundaries of the adjacent 474 Independent Mine, abutting existing mitigation areas. The mitigation is comprised of creating 2.55 acres of forested wetland, 5.98 acres of herbaceous wet prairie, 4.68 acres of herbaceous marsh, and 0.32 acre of open water; restoring 4.42 acres of forested wetland, 0.33 acre of herbaceous wet prairie; enhancing 4.95 acres of herbaceous wet prairie, 1.18 acres of herbaceous marsh, 1.23 acres of forested upland buffer; and preserving 1.84 acres of wet prairie and 0.23 acre of freshwater marsh. All of the mitigation will be placed under conservation easement. The applicant states that the proposed mitigation provides a gain of 8.83 units of functional gain.

The Corps notes that the project is within the service areas of five federally-approved mitigation banks (Boarshead Ranch, Crooked River, Green Swamp, Hilochee, and Withlacoochee Wetland) and will consider the mitigation hierarchy described in the 2008 Compensatory Mitigation Rule in its review of this project. The Corps also notes that the site of the applicant's proposed mitigation is in the Oklawaha Subbasin (HUC 03080102).

CULTURAL RESOURCES: The applicant has offered the following information pertaining to historical and archeological sites: The applicant provided a copy of a October 5, 2018 letter from the State Historic Preservation Officer (SHPO) (DHR File No. 2018-3033-B), stating that the SHPO concurred with a determination that the proposed project will have no effect on cultural resources listed, or eligible for listing in the National Register of Historic Places, or otherwise of archaeological, historical, or architectural significance within the study area. The Corps notes that the referenced review did not constitute a review under Section 106 of the National Historic Preservation Act.

Therefore, by copy of this public notice, the Corps is providing information for review. Our final determination relative to historic resource impacts is subject to review by and coordination with the State Historic Preservation Officer and those federally recognized tribes with concerns in Florida and the Permit Area.

ENDANGERED SPECIES: The project is within the consultation area for the Florida scrub jay, bluetail mole skin, and sand skink. There is no suitable habitat for the scrub jay within the project boundary or the permit boundary. There is approximately one acre of skink habitat (mapped as the Tavares sand soil unit). The acre abuts previously dredged land and is no longer a suitable habitat because of the mining activities. The Corps has made an effect determination of 'no effect' for the Florida scrub jay, bluetailed mole skink, and sand skink.

The project site has suitable habitat for the eastern indigo snake, and suitable foraging habitat for the wood stork. The applicant stated that there were two gopher tortoise

burrows on a berm adjacent to the project site, outside of any disturbance area, and none within the work area. If issued, the Corps permit will include a condition stating that any burrows found will be evacuated, any eastern indigo snakes encountered will be allowed to vacate the area, and any holes, cavities or other refugia will be inspected each morning and any snakes found allowed to vacate the area; and be conditioned for use of the Standard Protection Measures. The project will impact more than 0.5 acre of suitable foraging habitat for the wood stork, however the impacts are not within the Core Foraging Area of a colony site, and the applicant states that no wood storks have been documented foraging onsite.

The proposed work is located within the consultation area for the Everglades snail kite as determined by the U.S. Fish and Wildlife Service (FWS). The Everglade snail kite's habitat consists of freshwater marshes and the shallow edges of lakes, whether natural or man-made where apple snails may reside. The freshwater marsh is typically greater than 10 feet deep with interconnected marshes dominated by spike rush, maidencane, sawgrass, and/or cattails in the shallower area and water lily, arrowhead, pickerel weed, and giant bulrush in deep-water edge of the marsh. Low trees and shrubs include willow, dahoon holly, bald and pond cypress, wax myrtle, and button bush. Dense vegetation is not conducive to visually siting of the apple snail populations.

Wetlands WL2E and WL2F are freshwater marshes that meet the habitat characteristics as described. These wetlands are 0.11 acre and 0.58 acre. The wetlands are surrounded by a 3.38 acre wet prairie. Due to the wetlands' limited acreage (0.69 acres, total) and degradation due to agricultural and industrial activities ongoing since 1997, the Corps has made an effect determination of 'may affect, not likely to adversely affect', and will initiate informal consultation with FWS pursuant to Section 7 of the Endangered Species Act by separate letter.

ESSENTIAL FISH HABITAT (EFH): This notice initiates consultation with the National Marine Fisheries Service on EFH as required by the Magnuson-Stevens Fishery Conservation and Management Act 1996. The proposal would impact inland freshwater wetlands. Our initial determination is that the proposed action would not have a substantial adverse impact on EFH or federally managed fisheries. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

NOTE: This public notice is being issued based on information furnished by the applicant. This information has not been verified or evaluated to ensure compliance with laws and regulation governing the regulatory program. The jurisdictional line has not been verified by Corps personnel.

AUTHORIZATION FROM OTHER AGENCIES: Water Quality Certification may be required from the Florida Department of Environmental Protection and/or one of the state Water Management Districts.

COMMENTS regarding the potential authorization of the work proposed should be submitted in writing to the attention of the District Engineer through the Mining Team, P.O. Box 4970, Jacksonville, FL 32232-0019 within 15 days from the date of this notice.

The decision whether to issue or deny this permit application will be based on the information received from this public notice and the evaluation of the probable impact to the associated wetlands. This is based on an analysis of the applicant's avoidance and minimization efforts for the project, as well as the compensatory mitigation proposed.

QUESTIONS concerning this application should be directed to the project manager, Eve Huggins, in writing at the Mining Team Permits, P.O. Box 4970, Jacksonville, FL 32232-0019; by electronic mail at eve.m.huggins@usace.army.mil; by facsimile transmission at (904)232-1684; or, by telephone at (904)232-2076.

IMPACT ON NATURAL RESOURCES: Coordination with U.S. Fish and Wildlife Service, Environmental Protection Agency (EPA), the National Marine Fisheries Services, and other Federal, State, and local agencies, environmental groups, and concerned citizens generally yields pertinent environmental information that is instrumental in determining the impact the proposed action will have on the natural resources of the area.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food, and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act or the criteria established under authority of Section 102(a) of the Marine Protection Research and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

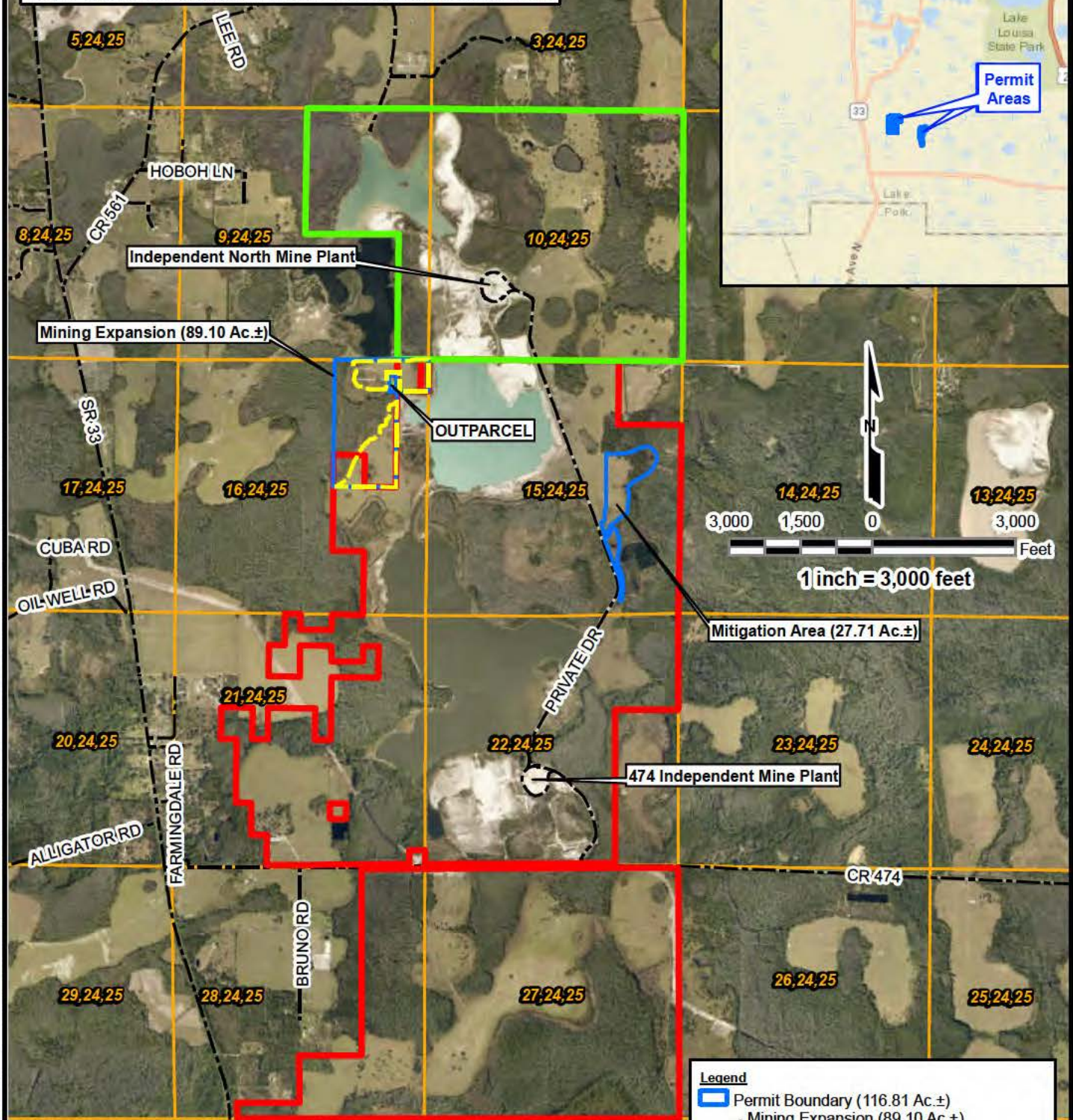
The Corps is soliciting comments from the public; Federal, State, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this determination, comments are used to assess impacts to endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are also used to determine

the need for a public hearing and to determine the overall public interest of the proposed activity.

COASTAL ZONE MANAGEMENT CONSISTENCY: In Florida, the State approval constitutes compliance with the approved Coastal Zone Management Plan. In Puerto Rico, a Coastal Zone Management Consistency Concurrence is required from the Puerto Rico Planning Board. In the Virgin Islands, the Department of Planning and Natural Resources permit constitutes compliance with the Coastal Zone Management Plan.

REQUEST FOR PUBLIC HEARING: Any person may request a public hearing. The request must be submitted in writing to the District Engineer within the designated comment period of the notice and must state the specific reasons for requesting the public hearing.

Source: World Imagery was obtained from ESRI Basemap. Source Date: 3/16/2017.



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- Legend**
- Permit Boundary (116.81 Ac.±)
 - Mining Expansion (89.10 Ac.±)
 - Mitigation Area (27.71 Ac.±)
 - Project Boundary (43.81 Ac.±)
 - 474 Independent Mine Property Boundary
 - Independent North Mine Property Boundary
 - Section, Township S, Range E



PROJECT NO. 20182888.001A
 DRAWN: 9/12/2019
 DRAWN BY: NCD/NL
 CHECKED BY: AWN
 FILE NAME: 19-0905-Jahna
 ACOE-Location.mxd

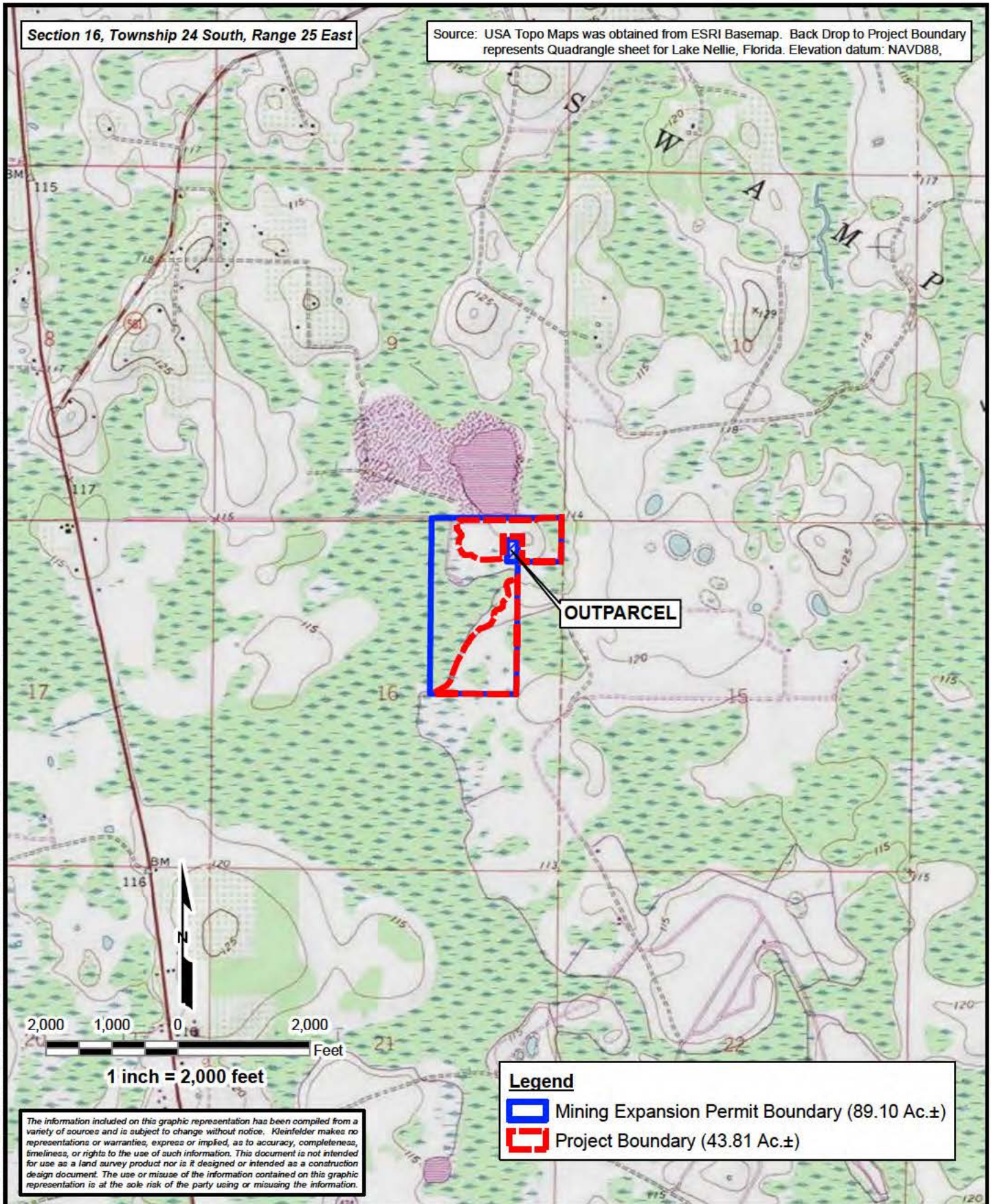
Project Location with Mining Expansion and Mitigation Areas

474 Independent Mine Expansion
 ACOE IP Application
 Lake County, Florida

FIGURE
1
1A

Section 16, Township 24 South, Range 25 East

Source: USA Topo Maps was obtained from ESRI Basemap. Back Drop to Project Boundary represents Quadrangle sheet for Lake Nellie, Florida. Elevation datum: NAVD88,



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Legend

- Mining Expansion Permit Boundary (89.10 Ac.±)
- Project Boundary (43.81 Ac.±)

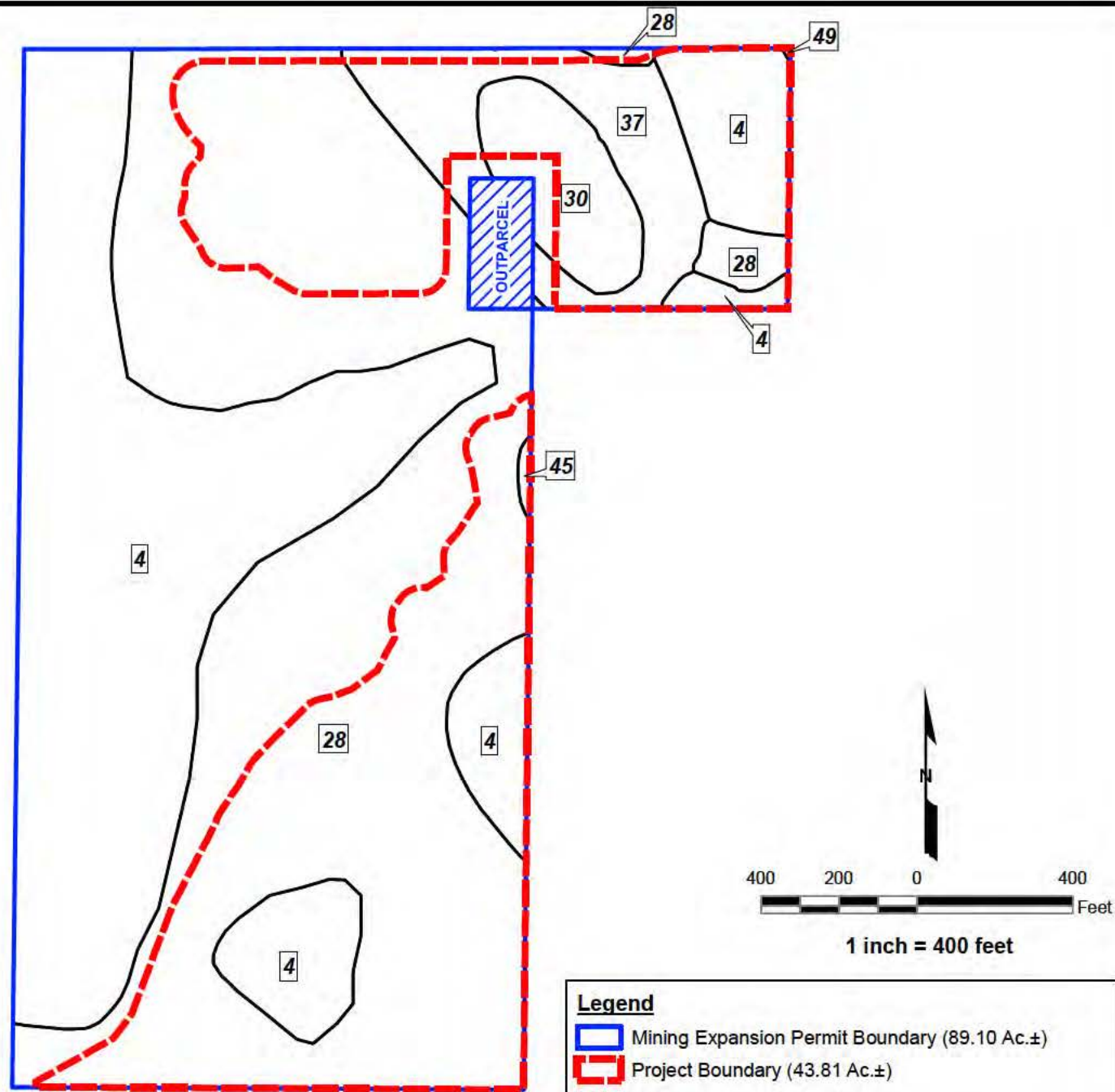


PROJECT NO.	20182888.001A
DRAWN:	9/5/2019
DRAWN BY:	NCD
CHECKED BY:	AWN
FILE NAME:	19-0905-Jahna ACOE-USGS.mxd

USGS Topography

474 Independent Mine Expansion
ACOE IP Application
Lake County, Florida

FIGURE
2
-6-



Section 16, Township 24 South, Range 25 East

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Source: Soils Database for Lake County, Florida obtained from The USDA NRCS Web Soil Survey in the form Shapefile Feature Class. Origin: USDA, Natural Resource Conservation Service. Shapefile = "soilmu_a_fl607". Publication Date: October 5, 2017.

Legend

 Mining Expansion Permit Boundary (89.10 Ac.±)

 Project Boundary (43.81 Ac.±)

NRCS Soils

 4--Anclote and Myakka soils

 28--Myakka-Myakka, wet, sands, 0 to 2 percent slopes

 30--Lochloosa sand

 37--Ellzey sand

 45--Tavares sand, 0 to 5 percent slopes

 49--Wauchula sand



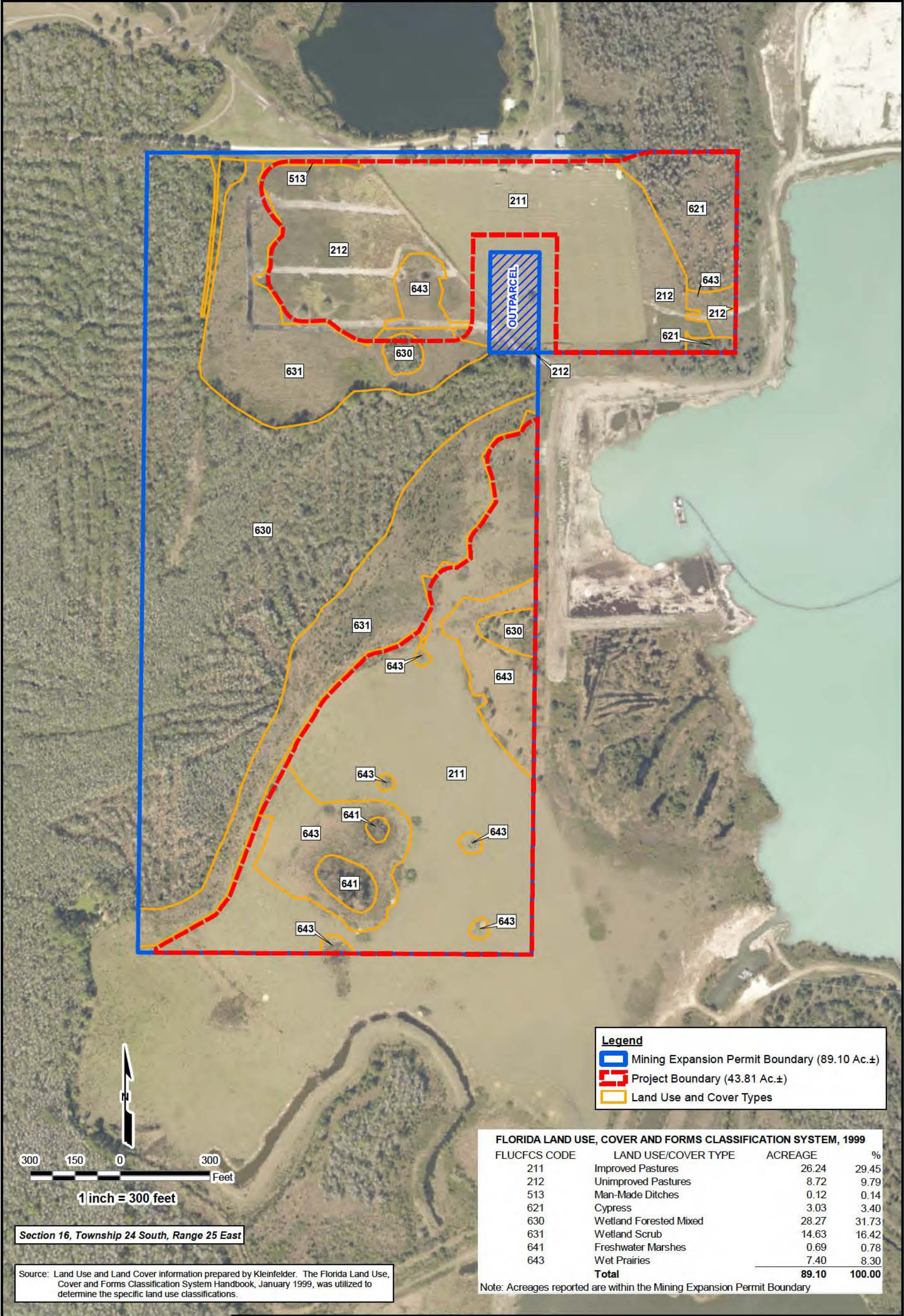
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DRAWN: 9/5/2019
DRAWN BY: NCD
CHECKED BY: AWN
FILE NAME: 19-0905-Jahna
ACOE-Soils.mxd

NRCS Soils Map

474 Independent Mine Expansion
ACOE IP Application
Lake County, Florida

FIGURE

3
5



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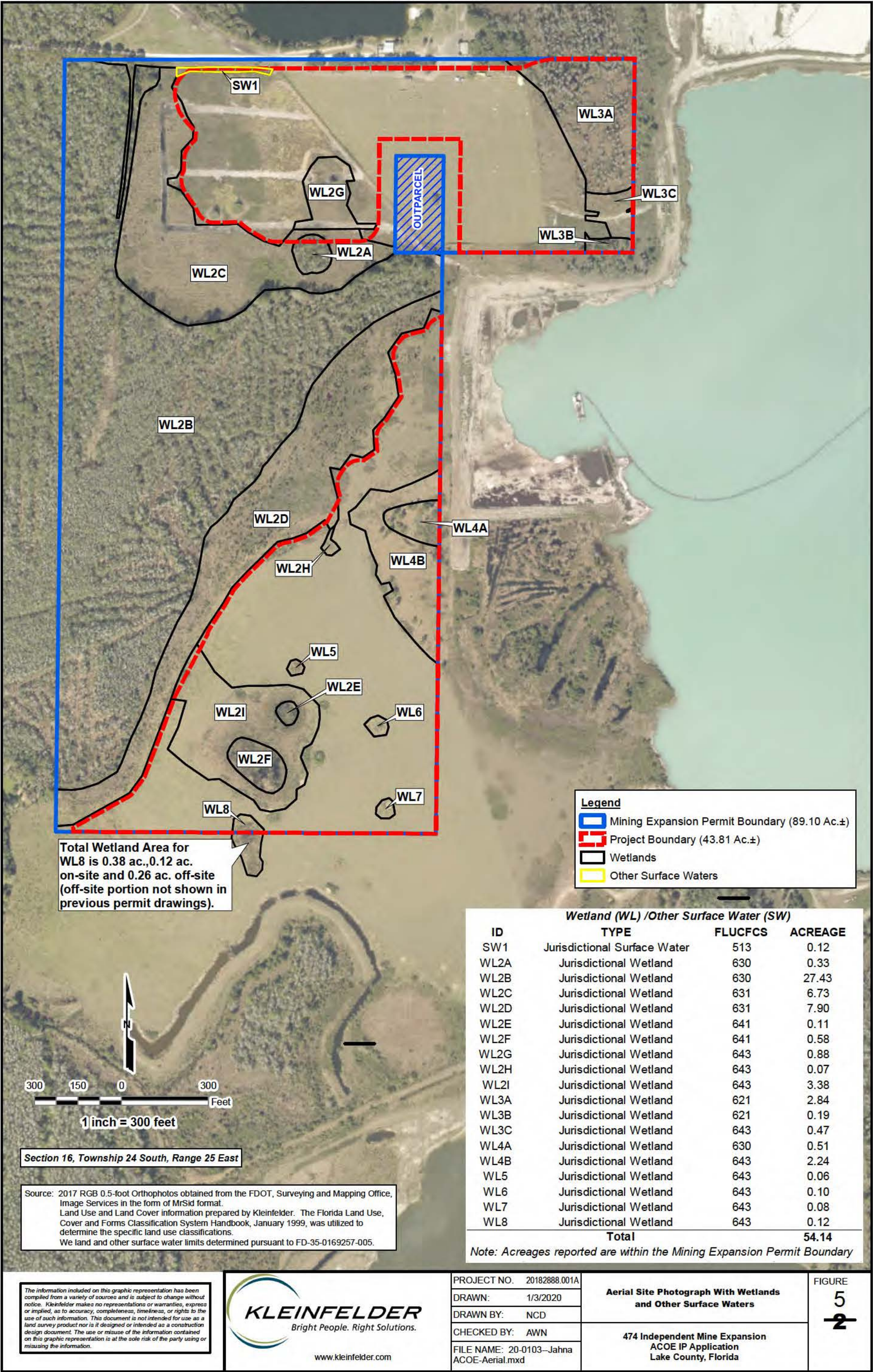
PROJECT NO. 20182888.001A
DRAWN: 9/5/2019
DRAWN BY: NCD
CHECKED BY: AWN
FILE NAME: 19-0905-Jahna ACOE-LandUse.mxd

Existing Land Use and Cover Types

474 Independent Mine Expansion
ACOE IP Application
Lake County, Florida

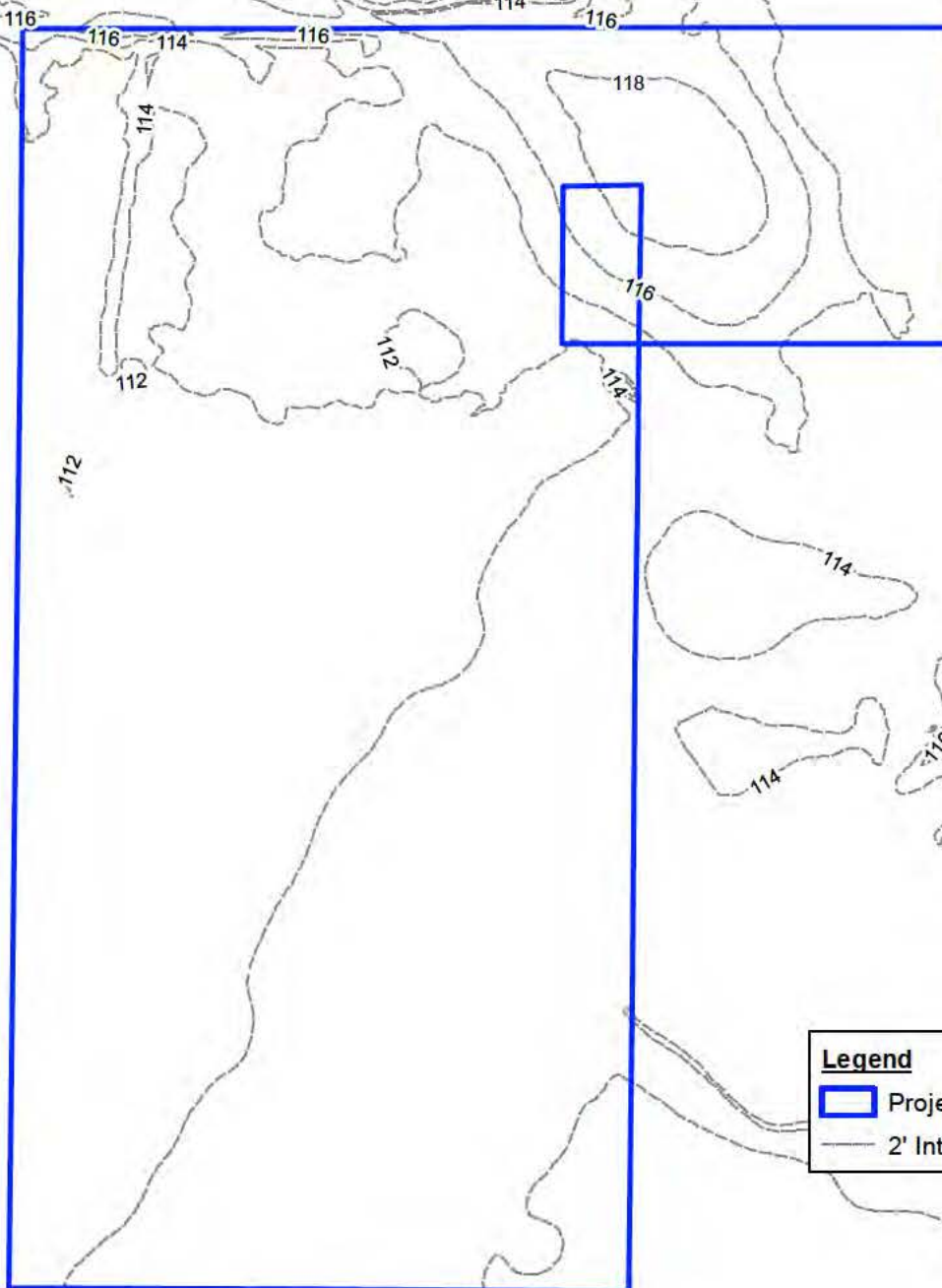
FIGURE

4

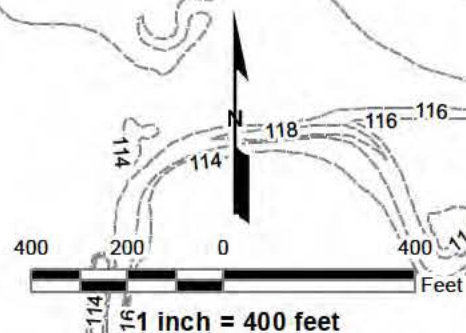


Source: The 2-foot contour lines derived from breaklines and LiDAR.
Data was obtained from Lake County BCC, GIS Division

Section 16
Township 24 South
Range 25 East



Legend
 Project Boundary (89.1 Ac.±)
 2' Interval Contour Lines, NAVD 88



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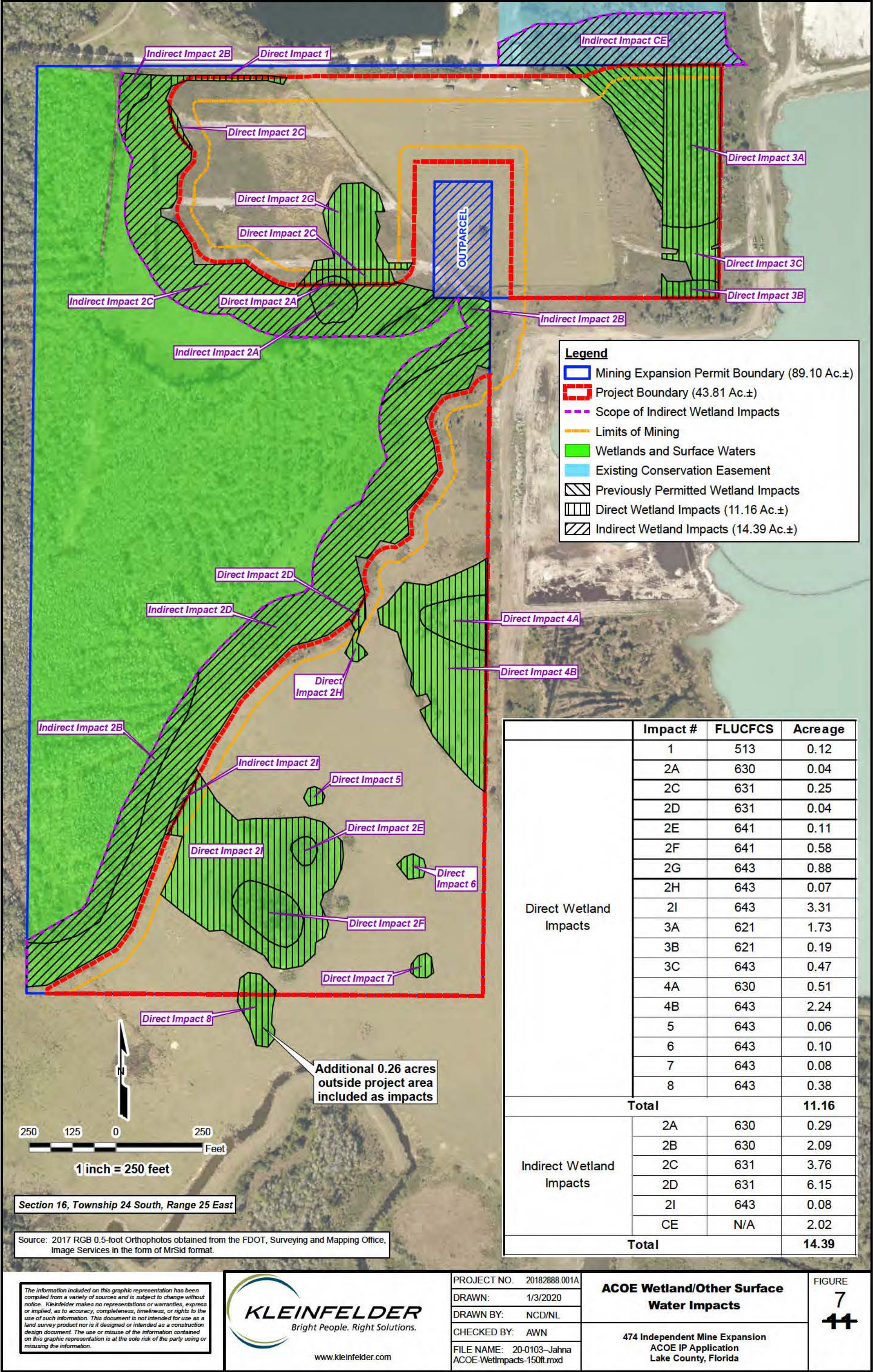
PROJECT NO. 20182888.001A
 DRAWN: 3/1/2018
 DRAWN BY: NL
 CHECKED BY: DJH
 FILE NAME: 19-0214-Jahna MCUP-SiteTopo.mxd

Site Topography

E.R. Jahna Industries, Inc.
 Jahna Independent North Sand Mine Expansion
 Conditional Use Permit Application
 Lake County, Florida

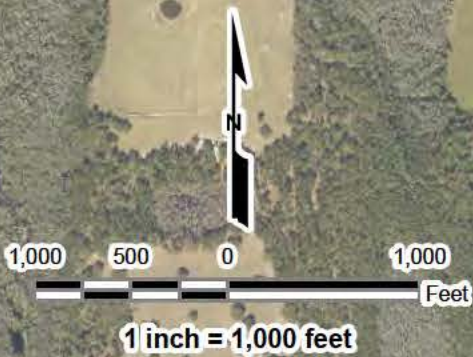
FIGURE

6



	Impact #	FLUCFCS	Acreage
Direct Wetland Impacts	1	513	0.12
	2A	630	0.04
	2C	631	0.25
	2D	631	0.04
	2E	641	0.11
	2F	641	0.58
	2G	643	0.88
	2H	643	0.07
	2I	643	3.31
	3A	621	1.73
	3B	621	0.19
	3C	643	0.47
	4A	630	0.51
	4B	643	2.24
	5	643	0.06
	6	643	0.10
	7	643	0.08
	8	643	0.38
Total			11.16
Indirect Wetland Impacts	2A	630	0.29
	2B	630	2.09
	2C	631	3.76
	2D	631	6.15
	2I	643	0.08
	CE	N/A	2.02
Total			14.39

Source: 2017 RGB 0.5-foot Orthophotos obtained from the FDOT, Surveying and Mapping Office, Image Services in the form of MrSid format.



ACOE IP SAJ-1995-3029 (22.30 AC.)

ERP 0169257-001 (13.00 AC.)

030801020102
Little Creek-Palatka River

03080102
Oklawaha

OUTPARCEL

03100208
Withlacoochee

031002080103
Upper Withlacoochee Swamp

ACOE IP SAJ-1995-3029 AND
ERP 0141225-006 (3.15 AC.)

ACOE IP SAJ-1995-3029 AND
ERP 0141225-006 (187.04 AC.)

ERP 0141225-002 (19.00 AC.)

Legend

- Mining Expansion Permit Boundary (89.10 Ac.±)
- Mitigation Permit Boundary (27.71 Ac.±)
- Permitted Mitigation Areas (244.49 Ac.±)
 - ACOE
 - ACOE & FDEP
 - FDEP
 - Existing Conservation Easements
 - 12-digit HUC (Subwatershed)
 - 8-digit HUC (Subbasin)

Sections 15 & 16, Township 24 South, Range 25 East

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PROJECT NO. 20182888.001A
DRAWN: 9/11/2019
DRAWN BY: NCD/NL
CHECKED BY: AWN
FILE NAME: 19-0905-Jahna-ACOE-MitArea Location.mxd

**Mitigation Area Location
with Drainage Basins**

474 Independent Mine Expansion
ACOE IP Application
Lake County, Florida

EXHIBIT
8
12A